



PATENT  
Customer No. 22,852  
Attorney Docket No. 06809.0018-03000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Randy W. WESTLUND et al. ) Group Art Unit: 3766  
Application No.: 10/617,881 ) Examiner: Kennedy Schaetzle  
Filed: July 14, 2003 ) Confirmation No.: 3418  
For: SEAL FOR USE WITH MEDICAL )  
DEVICE AND SYSTEM )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, Cardiac Pacemakers, Inc., duly organized under the laws of Minnesota and having its principal place of business at 4100 Hamline Avenue North, St. Paul, MN 55112, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/617,881, filed July 14, 2003 for SEAL FOR USE WITH MEDICAL DEVICE AND SYSTEM in the names of Randy Westlund, Bruce Tockman, Gwen Crevensten, Lili Liu, and Christopher M. Zerby, which is a continuation application of U.S. Application No. 09/738,590, filed December 15, 2000, now issued as U.S. Patent No. 6,634,364, and which is a continuation-in-part application of U.S. Application No. 09/970,195, filed October 2, 2001, now issued as U.S. Patent No. 6,901,288, which is a continuation of U.S. Application No. 09/579,765, filed May 26, 2000, now abandoned, which is a divisional of U.S. Application

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No. 09/133,310, filed on August 12, 1998, now issued as U.S. Patent No. 6,240,321.

Assignee also represents that an assignment from the inventors of U.S. Patent No. 6,634,364 to Cardiac Pacemakers, Inc. was duly recorded in the United States Patent and Trademark Office at Reel 011854, Frame 0353 on June 1, 2001.

Assignee further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,901,288, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 009385, Frame 0927 on August 12, 1998 from the inventors of U.S. Patent No. 6,240,321 to Cardiac Pacemakers, Inc. The same recorded assignment is effective with respect to U.S. Patent No. 6,901,288 and U.S. Patent No. 6,240,321.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent U.S. Patent No. 6,901,288. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later

expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an agent of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 12, 2008

By: Denise L. Poy  
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